

REMARKS

AMENDMENTS TO THE SPECIFICATION

The paragraph that begins on line 8 of page 65, and the paragraph that begins on line 21 of page 44, are being amended as suggested by the Examiner. Specifically, the alleged new matter introduced by the previous amendments has been deleted.

Withdrawal of the rejection is respectfully requested.

AMENDMENTS TO THE CLAIMS

Claims 1, 4-6, 11 and 13 have been amended as shown above.

Specifically, Claim 1 has been amended to recite a specific mutation in the TBC1D1 gene associated with obesity. The mutation was recited in the now canceled Claim 3. Other minor changes are introduced simply for formality reasons to make the claim language more readable. These amendments are fully supported by the previously filed claims and as-filed Specification. For example, the word "assaying" is implicit in the previously presented claims, and is also found in the Specification, page 17, line 13-15. "Determining" is also implicitly supported in the previously filed claims, and specifically in the specification, e.g., at page 22, lines 6-7. No new matter has been added by such amendments. It is believed that the amendments put the claims in condition for allowance, or at least address the concerns of the Examiner to place the claims in better condition for appeal. Entry of the amendment to Claim 1 is respectfully requested.

Claims 2-3 have been canceled.

Claims 4-6 and 11 are amended merely to make them consistent with the amended Claim 1.

Claim 13 has been amended to correct the error as pointed out by the Examiner (TBC1D1) and to simplify the claim language.

As the claims are now substantially in condition for allowance, and no new search or significant examination is required for the amended claims, Applicants would greatly appreciate the Examiner's entry of the amendments.

OBJECTIONS TO THE SPECIFICATION

As noted above, the paragraph of the Specification that begins on line 8 of page 65, and the paragraph that begins on line 21 of page 44, have been amended as suggested by the Examiner. Thus, the Examiner's objection in this regard has been obviated.

THE REJECTIONS

Claim Rejections under 35 USC § 112, 2nd paragraph

Claims 3 and 13 have been rejected under 35 USC § 112, 2nd paragraph for allegedly being indefinite and failing to point out and distinctly claim the subject matter which applicants regard as the invention. Claim 3 has been canceled. In Claim 13, the claim language of concern to the Examiner has been deleted, as indicated in the claim listing. Thus, the rejection in this regard has been obviated.

Claim Rejections under 35 USC § 112, 2nd paragraph

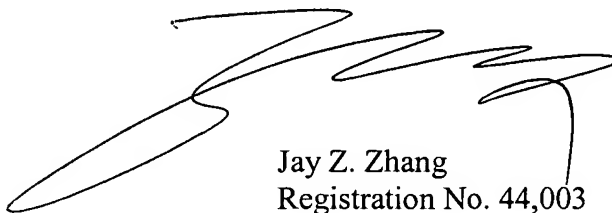
The amended claims are now drawn to the mutation "cytidine to thymidine transition at the 373rd nucleotide of the TCB1D1 coding sequence of SEQ ID NO:1." As such, it is believed that the claim amendment should obviate (1) the new matter rejection to claim 13 (claim 3 being canceled); (2) the written description rejection; and (3) the enablement rejection. See e.g., Office Action mailed July 26, 2006, page 13, line 9.

CONCLUSION

It is believed that the amendments place the claims substantially in condition for allowance. Entry of the amendments and early notice of allowance are respectfully requested. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, she is respectfully invited to contact the undersigned.

It is not believed that any extension of time, or any fees are due with this response. If this is incorrect, an extension of time as deemed necessary is hereby requested, and the Commissioner is hereby authorized to charge any appropriate fees or deficiency or credit any over payment to Deposit Account no. **50-1627**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jay Z. Zhang', with a stylized flourish extending from the end.

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Date: October 26, 2006

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